

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:11-cr-00109-MR-DLH**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
MIMI WYATT CLARK,)	
)	
Defendant.)	
<hr style="width:45%; margin-left:0"/>)	

THIS MATTER is before the Court on the Defendant’s “Motion to Change Method by Which Balance of Sentence is Served” [Doc. 31].

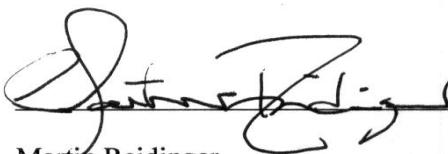
On January 11, 2012, the Defendant pled guilty pursuant to a written plea agreement to mail fraud, and aiding and abetting the same, in violation of 18 U.S.C. §§ 1341 and 2. The Defendant was sentenced to a term of 33 months’ imprisonment on November 26, 2013. [Doc. 25]. The Defendant did not appeal her conviction or sentence to the Fourth Circuit Court of Appeals. The Defendant now moves the Court to modify the Judgment so that she can complete the remainder of her sentence on home confinement. [Doc. 31].

The Defendant's motion must be denied. Pursuant to 18 U.S.C. § 3582(c), the Court may reduce or modify a sentence only: (1) upon motion of the Director of the Bureau of Prisons, if certain extraordinary and compelling reasons so warrant; (2) under the express authority of Rule 35 of the Rules of Criminal Procedure, which provides that the Court may correct a clear error in a sentence within 14 days after sentencing or reduce a sentence upon motion by the Government for the defendant's substantial assistance; or (3) when a defendant is sentenced to a term of imprisonment based upon a sentencing range that was subsequently lowered by the United States Sentencing Commission. See 18 U.S.C. § 3582(c). None of these circumstances are applicable in the present case. Accordingly, the Defendant's motion for a modification of her sentence must be denied.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's "Motion to Change Method by Which Balance of Sentence is Served" [Doc. 31] is **DENIED**.

Signed: May 15, 2014

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

